

THESE ARE NOT THE OFFICIAL MINUTES OF THE BOARD OF TRUSTEES UNTIL SAME HAS
BEEN APPROVED BY THE MAYOR AND THE BOARD OF TRUSTEES.

2022-1

2022-1

A meeting of the Board of Trustees of the Incorporated Village of Freeport was held on Monday, July 25, 2022 at 6:30 P.M. in the Municipal Building, 46 North Ocean Avenue, Freeport, New York, with the following present:

Robert T. Kennedy	Mayor
Ronald Ellerbe	Deputy Mayor
Jorge A. Martinez	Trustee
Christopher L. Squeri	Trustee
Evette B. Sanchez	Trustee
Howard E. Colton	Village Attorney
Pamela Walsh Boening	Village Clerk

At 6:33 P.M., Mayor Kennedy convened in the main conference room and Deputy Mayor Ellerbe led in the Pledge of Allegiance.

No residents were present.

At 6:34 P.M., it was moved by Deputy Mayor Ellerbe, seconded by Trustee Sanchez and unanimously carried to adjourn this portion of the Legislative Meeting and return to the Mayor's Conference Room to continue in Executive Session to discuss one (1) Personnel Matter.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

At 7:02 P.M., motion was made by Deputy Mayor Ellerbe, seconded by Trustee Sanchez and unanimously carried to reconvene in Legislative Session.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

Approximately fifty (50) individuals were present.

Deputy Mayor Ellerbe led in the Pledge of Allegiance.

It was moved by Trustee Martinez, seconded by Deputy Mayor Ellerbe, and carried to approve the Board of Trustees Minutes of July 11, 2022.

July 25, 2022

THESE ARE NOT THE OFFICIAL MINUTES OF THE BOARD OF TRUSTEES UNTIL SAME HAS BEEN APPROVED BY THE MAYOR AND THE BOARD OF TRUSTEES.

2022-2

2022-2

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	Abstain
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

Motion was made by Trustee Martinez, seconded by Trustee Squeri to approve the block party permit application submitted by Lenny Rodriguez, to hold a block party on August 6, 2022 (rain date: August 13, 2022) on Lexington Avenue between Park Avenue and Madison Avenue, from 4:00 P.M. to 10:00 P.M.; with a reminder to those in attendance that the Village has an “Open Container” law among its ordinances which stipulates that no alcoholic beverages may be served or carried on the streets and the Police, Fire and Highway Departments be so notified.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

Motion was made by Trustee Sanchez, seconded by Deputy Mayor Ellerbe to approve the block party permit application submitted by Rev. Lucy Reyes, to hold a block party on August 27, 2022 (rain dates: August, 28 or September 3, 2022) on Locust Place between Atlantic Avenue and Southside Avenue, from 2:00 P.M. to 8:00 P.M.; with a reminder to those in attendance that the Village has an “Open Container” law among its ordinances which stipulates that no alcoholic beverages may be served or carried on the streets and the Police, Fire and Highway Departments be so notified.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

Motion was made by Trustee Sanchez, seconded by Deputy Mayor Ellerbe to approve the parade and public assembly permit application submitted by Sarika Sharma to hold a parade on Thursday, July 28, 2022, from 7:30 P.M. to 8:30 P.M., starting on Lester Avenue, west on Meister Blvd, north on Jeanette Avenue, ending at 17 Florence Avenue.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor

July 25, 2022

THESE ARE NOT THE OFFICIAL MINUTES OF THE BOARD OF TRUSTEES UNTIL SAME HAS
BEEN APPROVED BY THE MAYOR AND THE BOARD OF TRUSTEES.

2022-3

2022-3

Trustee Squeri	In Favor
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

Motion was made by Trustee Martinez, seconded by Trustee Squeri to approve the parade and public assembly permit application submitted on behalf of Bike to the Beach, to the hold the annual Autism Awareness Bike to the Beach event on Saturday, September 24, 2022 from 8:00 A.M. to 11:00 A.M., east on W. Seaman Avenue to Babylon Tpke.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

Motion was made by Trustee Squeri, seconded by Trustee Sanchez to approve the parade and public assembly permit application submitted on behalf of the 9/11 Neighborhood Memorial, to hold a public assembly on September 11, 2022 at the Traffic Circle on S. Bayview Avenue and Ray Street, from 7:00 P.M. to 8:00 P.M.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

It was moved by Deputy Mayor Ellerbe, seconded by Trustee Sanchez that the following resolution be adopted:

WHEREAS, the Assessor has negotiated tax certiorari settlements for the Assessment Years listed below; and

WHEREAS, the firm Herman Katz Cangemi Wilkes & Clyne, LLP represented the tax certiorari petitioner in the below settlement negotiation:

Petitioner: 235 Sunrise Corp
235 Sunrise Highway
54/081/101, 114

Total Refund: 2016/2017 to 2022/2023 – Refund: **\$4,641.06** – AV: **13,500** going forward 2023/2024, 2024/2025, and 2025/2026

TOTAL SBL Group 54-081-101, 114

July 25, 2022

THESE ARE NOT THE OFFICIAL MINUTES OF THE BOARD OF TRUSTEES UNTIL SAME HAS BEEN APPROVED BY THE MAYOR AND THE BOARD OF TRUSTEES.

2022-4

2022-4

Year	EQ	Current AV	Proposed AV	Reduction	Tax Rate	Refund
2016/17	0.0191	16,150	16,150	0	0.62296	0.00
2017/18	0.0181	16,150	16,150	0	0.62296	0.00
2018/19	0.0180	16,150	16,150	0	0.62296	0.00
2019/20	0.0172	16,150	15,480	670	0.62296	417.38
2020/21	0.0162	16,150	14,580	1,570	0.62296	978.05
2021/22	0.0151	16,150	13,590	2,560	0.62296	1,594.78
2022/23	0.0150	16,150	13,500	2,650	0.62296	1,650.84
	Current MV	\$1,076,667	Proposed MV	\$900,000	Refund:	\$4,641.06

54-081-101

Year	EQ	Current AV	Proposed AV	Reduction	Tax Rate	Refund
2016/17	0.0191	13,850	13,850	0	0.62296	0.00
2017/18	0.0181	13,850	13,850	0	0.62296	0.00
2018/19	0.0180	13,850	13,850	0	0.62296	0.00
2019/20	0.0172	13,850	13,313	537	0.62296	334.53
2020/21	0.0162	13,850	12,539	1,311	0.62296	816.71
2021/22	0.0151	13,850	11,687	2,163	0.62296	1,347.46
2022/23	0.0150	13,850	11,610	2,240	0.62296	1,395.43
	Current MV	\$923,333	Proposed MV	\$774,000	Refund:	\$3,894.13

54-081-114

Year	EQ	Current AV	Proposed AV	Reduction	Tax Rate	Refund
2016/17	0.0191	2,300	2,300	0	0.62296	0.00
2017/18	0.0181	2,300	2,300	0	0.62296	0.00
2018/19	0.0180	2,300	2,300	0	0.62296	0.00
2019/20	0.0172	2,300	2,167	133	0.62296	82.85
2020/21	0.0162	2,300	2,041	259	0.62296	161.35
2021/22	0.0151	2,300	1,903	397	0.62296	247.32
2022/23	0.0150	2,300	1,890	410	0.62296	255.41
	Current MV	\$153,334	Proposed MV	\$126,000	Refund:	\$746.93

WHEREAS, the Stipulation of Settlement will be prepared for the above referenced matter; and

WHEREAS, permission is requested giving the Village Attorney authorization to sign the stipulation of settlement; and

NOW THEREFORE BE IT RESOLVED, that the above listed tax certiorari settlement be approved and that the Assessor is hereby authorized to adjust the 2022/2023 Final Assessment

July 25, 2022

THESE ARE NOT THE OFFICIAL MINUTES OF THE BOARD OF TRUSTEES UNTIL SAME HAS BEEN APPROVED BY THE MAYOR AND THE BOARD OF TRUSTEES.

2022-5

2022-5

Roll and that the Treasurer be approved to issue said refund for the amounts cited hereinabove, for a total of \$4,641.06.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

It was moved by Trustee Sanchez, seconded by Trustee Squeri that the following resolution be adopted:

WHEREAS, the Assessor has negotiated tax certiorari settlements for the Assessment Years listed below; and

WHEREAS, the firm Herman Katz Cangemi Wilkes & Clyne, LLP represented the tax certiorari petitioner in the below settlement negotiation:

Petitioner: Mc David Properties, LLC
71-75 Main Street
55/205/17

Total Refund: 2015/2016 to 2022/2023 – Refund: **\$14,203.49** – AV: **30,000**
going forward 2023/2024, 2024/2025, and 2025/2026

Year	EQ	Current AV	Proposed AV	Reduction	Tax Rate	Refund
2015/16	0.0201	37,000	37,000	0	0.62296	0.00
2016/17	0.0191	37,000	37,000	0	0.62296	0.00
2017/18	0.0181	37,000	36,200	800	0.62296	498.37
2018/19	0.0180	37,000	36,000	1,000	0.62296	622.96
2019/20	0.0172	37,000	34,400	2,600	0.62296	1,619.70
2020/21	0.0162	37,000	32,400	4,600	0.62296	2,865.62
2021/22	0.0151	37,000	30,200	6,800	0.62296	4,236.13
2022/23	0.0150	37,000	30,000	7,000	0.62296	4,360.72
	Current MV	\$2,466,667	Proposed MV	\$2,000,000	Refund	\$14,203.49

WHEREAS, the Stipulation of Settlement will be prepared for the above referenced matter; and

WHEREAS, permission is requested giving the Village Attorney authorization to sign the stipulation of settlement; and

NOW THEREFORE BE IT RESOLVED, that the above listed tax certiorari settlement be approved and that the Assessor is hereby authorized to adjust the 2022/2023 Final Assessment

July 25, 2022

THESE ARE NOT THE OFFICIAL MINUTES OF THE BOARD OF TRUSTEES UNTIL SAME HAS BEEN APPROVED BY THE MAYOR AND THE BOARD OF TRUSTEES.

2022-6

2022-6

Roll and that the Treasurer be approved to issue said refund for the amounts cited hereinabove, for a total of \$14,203.49.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

It was moved by Trustee Squeri, seconded by Trustee Sanchez that the following resolution be adopted:

WHEREAS, the Assessor has negotiated tax certiorari settlements for the Assessment Years listed below; and

WHEREAS, the firm Koepfel, Martone & Leistman, LLP represented the tax certiorari petitioner in the below settlement negotiation:

Petitioner: Freeport Sunrise Henry, LLC / Freeport Sunrise Henry LLC
47-51 S. Main Street, 0 Newton Blvd, 34 E Sunrise Hwy
55/482/6, 8, 11

Total Refund: 2016/2017 to 2022/2023 – Refund: **\$6,896.16** – AV: **54,000** going forward 2023/2024, 2024/2025, and 2025/2026

TOTAL SBL LOT Group 55 / 482 / 6, 8 and 11

Year	EQ	Current AV	Proposed AV	Reduction	Tax Rate	Refund
2016/17	0.0191	59,250	59,250	\$0	0.62296	\$0
2017/18	0.0181	59,250	59,250	\$0	0.62296	\$0
2018/19	0.0180	59,250	59,250	\$0	0.62296	\$0
2019/20	0.0172	59,250	59,250	\$0	0.62296	\$0
2020/21	0.0162	59,250	58,320	930	0.62296	579.35
2021/22	0.0151	59,250	54,360	4,890	0.62296	3,046.27
2022/23	0.0150	59,250	54,000	5,250	0.62296	3,270.54
	Current MV	\$3,950,000	Settled MV	\$3,600,000	Refund	\$6,896.16

55 / 482 / 6

Year	EQ	Current AV	Proposed AV	Reduction	Tax Rate	Refund
2016/17	0.0191	48,526	48,526	\$0	0.62296	\$0
2017/18	0.0181	48,526	48,526	\$0	0.62296	\$0
2018/19	0.0180	48,526	48,526	\$0	0.62296	\$0
2019/20	0.0172	48,526	48,526	\$0	0.62296	\$0

July 25, 2022

THESE ARE NOT THE OFFICIAL MINUTES OF THE BOARD OF TRUSTEES UNTIL SAME HAS BEEN APPROVED BY THE MAYOR AND THE BOARD OF TRUSTEES.

2022-7

2022-7

2020/21	0.0162	48,526	47,764	762	0.62296	474.65
2021/22	0.0151	48,526	44,521	4,005	0.62296	2,495.05
2022/23	0.0150	48,526	44,226	4,300	0.62296	2,678.73
	Current MV	\$3,235,067	Settled MV	\$2,948,400	Refund	\$5,648.43

55 / 482 / 8

Year	EQ	Current AV	Proposed AV	Reduction	Tax Rate	Refund
2016/17	0.0191	1,510	1,510	\$0	0.62296	\$0
2017/18	0.0181	1,510	1,510	\$0	0.62296	\$0
2018/19	0.0180	1,510	1,510	\$0	0.62296	\$0
2019/20	0.0172	1,510	1,510	\$0	0.62296	\$0
2020/21	0.0162	1,510	1,458	52	0.62296	32.39
2021/22	0.0151	1,510	1,359	151	0.62296	94.07
2022/23	0.0150	1,510	1,350	160	0.62296	99.67
	Current MV	\$99,999	Settled MV	\$90,000	Refund	\$226.13

55 / 482 / 11

Year	EQ	Current AV	Proposed AV	Reduction	Tax Rate	Refund
2016/17	0.0191	9,214	9,214	\$0	0.62296	\$0
2017/18	0.0181	9,214	9,214	\$0	0.62296	\$0
2018/19	0.0180	9,214	9,214	\$0	0.62296	\$0
2019/20	0.0172	9,214	9,214	\$0	0.62296	\$0
2020/21	0.0162	9,214	9,098	116	0.62296	72.31
2021/22	0.0151	9,214	8,480	734	0.62296	457.15
2022/23	0.0150	9,214	8,424	790	0.62296	492.14
	Current MV	\$610,198	Settled MV	\$561,600	Refund	\$1,021.60

WHEREAS, the Stipulation of Settlement will be prepared for the above referenced matter; and

WHEREAS, permission is requested giving the Village Attorney authorization to sign the stipulation of settlement; and

NOW THEREFORE BE IT RESOLVED, that the above listed tax certiorari settlement be approved and that the Assessor is hereby authorized to adjust the 2022/2023 Final Assessment Roll and that the Treasurer be approved to issue said refund for the amounts cited hereinabove, for a total of \$6,896.16.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe
Trustee Martinez
Trustee Squeri

In Favor
In Favor
In Favor

July 25, 2022

THESE ARE NOT THE OFFICIAL MINUTES OF THE BOARD OF TRUSTEES UNTIL SAME HAS
BEEN APPROVED BY THE MAYOR AND THE BOARD OF TRUSTEES.

2022-8

2022-8

Trustee Sanchez
Mayor Kennedy

In Favor
In Favor

It was moved by Trustee Sanchez, seconded by Deputy Mayor Ellerbe that the following resolution be adopted:

WHEREAS, the Assessor has negotiated tax certiorari settlements for the Assessment Years listed below; and

WHEREAS, the firm Meyer Suozzi English & Klein, PC represented the tax certiorari petitioner in the below settlement negotiation:

Petitioner: Rivtec, LLC
80 Commercial Street
55/491/342

Total Refund: 2016/2017 to 2022/2023 – Refund: **\$14,701.86** – AV: **18,000**
going forward 2023/2024, 2024/2025, and 2025/2026

Year	EQ	Current AV	Proposed AV	Reduction	Tax Rate	Refund
2016/17	0.0191	22720	\$22,720	\$0	0.62296	\$0
2017/18	0.0181	22720	\$22,720	\$0	0.62296	\$0
2018/19	0.018	22720	\$18,000	\$4,720	0.62296	\$2,940.37
2019/20	0.0172	22720	\$18,000	\$4,720	0.62296	\$2,940.37
2020/21	0.0162	22720	\$18,000	\$4,720	0.62296	\$2,940.37
2021/22	0.0151	22720	\$18,000	\$4,720	0.62296	\$2,940.37
2022/23	0.015	22720	\$18,000	\$4,720	0.62296	\$2,940.37
	Current MV	\$1,514,667	Settled MV	\$1,200,000	Refund	\$14,701.86

WHEREAS, the Stipulation of Settlement will be prepared for the above referenced matter; and

WHEREAS, permission is requested giving the Village Attorney authorization to sign the stipulation of settlement; and

NOW THEREFORE BE IT RESOLVED, that the above listed tax certiorari settlement be approved and that the Assessor is hereby authorized to adjust the 2022/2023 Final Assessment Roll and that the Treasurer be approved to issue said refund for the amounts cited hereinabove, for a total of \$14,701.86.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe
Trustee Martinez

In Favor
In Favor

July 25, 2022

THESE ARE NOT THE OFFICIAL MINUTES OF THE BOARD OF TRUSTEES UNTIL SAME HAS BEEN APPROVED BY THE MAYOR AND THE BOARD OF TRUSTEES.

2022-9

2022-9

Trustee Squeri
Trustee Sanchez
Mayor Kennedy

In Favor
In Favor
In Favor

It was moved by Trustee Squeri, seconded by Trustee Sanchez that the following resolution be adopted:

WHEREAS, the Village Assessor periodically reviews the exemption status of properties in the Village of Freeport to ensure continuing eligibility under the criteria of particular exemptions; and

WHEREAS, the below list consists of changes to assessed tax value after the adoption of the 2021/2022 and 2022/2023 Final Assessment Rolls; and

S / B / L	Address	Exemption Code	Exemption Amount	Reason
54 / 309 / 141	92 Elliot Pl	41131 Veteran War Time/ Combat	2022 --906	Property Sold 06/15/2022
62 / 088 / 24	178 A Sportsman Ave	41121 Veteran War Time/Non- Combat	2022 --544	Property Sold 07/08/2022
62 / 056 / 15	102 Bedell St	41800 - Senior	2021 --3,240 2022- 3,240	Property Sold 12/16/2021
62 / 144 / 567	2 West Side Ave	41121 Veteran War Time/Non- Combat	2022 - 544	Property Sold 06/28/2022

WHEREAS, the Assessor reviewed the application and made recommendation that the exemptions be removed from the 2021/2022 and 2022/2023 Final Assessment Rolls as listed above; and

WHEREAS, where a partial exemption is entered on an assessment roll for an ineligible parcel, it is an error in essential fact, which may be corrected by the Board in accordance with

July 25, 2022

THESE ARE NOT THE OFFICIAL MINUTES OF THE BOARD OF TRUSTEES UNTIL SAME HAS BEEN APPROVED BY THE MAYOR AND THE BOARD OF TRUSTEES.

2022-10

2022-10

the provisions of the Real Property Tax Law; and

NOW THEREFORE BE IT RESOLVED, that the Board of Assessment Review comprised of members of the Board of Trustees, be authorized to retroactively approve the change recommended by the Assessor to be made to the 2021/2022 and 2022/2023 Final Assessment Rolls and that the Treasurer issue restored and corrected tax bills.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

It was moved by Trustee Martinez, seconded by Trustee Squeri that the following resolution be adopted:

WHEREAS, the Freeport Building Department needs to enter into a professional services contract for general civil structural engineering analysis, reviews, and reports relative to Nuisance and Dangerous Building proceedings for the Village; and

WHEREAS, the services to be performed are professional services of a specialized nature and are therefore exempt from the competitive bidding requirements of General Municipal Law; and

WHEREAS, Rabco Engineering, P.C. located at 8 W. Merrick Rd., Suite 219, Freeport, NY 11520 possesses those certain skills, knowledge and expertise of a specialized nature; and

WHEREAS, this Professional Service Contract is for a term retroactive to June 1, 2022 through February 28, 2023, with a not to exceed amount of \$20,000; and

WHEREAS, the cost of these services has been budgeted for in Budget Line A362004 545700 "Non-Employee Salaries"; and

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Superintendent of Buildings, the Board approve and the Mayor be authorized to execute any documentation necessary to effectuate a professional services contract with Rabco Engineering, P.C. located at 8 W. Merrick Rd., Suite 219, Freeport, NY 11520 for a term retroactive to June 1, 2022 through February 28, 2023, with a not to exceed amount of \$20,000.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	In Favor

July 25, 2022

THESE ARE NOT THE OFFICIAL MINUTES OF THE BOARD OF TRUSTEES UNTIL SAME HAS BEEN APPROVED BY THE MAYOR AND THE BOARD OF TRUSTEES.

2022-11

2022-11

Mayor Kennedy

In Favor

It was moved by Trustee Squeri, seconded by Deputy Mayor Ellerbe that the following resolution be adopted:

WHEREAS, the Freeport Electric Department has need for one (1) truck to replace an Electric Distribution Department Line Truck #212, 1995 GMC TopKick, that has been taken out of service due to mechanical and safety issues; and

WHEREAS, the Electric Department is requesting authorization to purchase an Altec Overcenter Articulating Aerial Device with Material Handling (AN55E-OC-US46) from Altec Industries, Inc., 33 Inverness Center Parkway, Birmingham, Alabama 35242, under New York State under New York State contract # PC68526 for the cost of \$359,199.00, including delivery; and

WHEREAS, the funding for this purchase will come from the Electric Department operating budget E110000-2454, and there are sufficient funds available for this purchase; and

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Superintendent of Electric Utilities, the Board approve and the Mayor be and hereby is authorized to execute any and all documentation necessary to approve the purchase of one (1) Altec Overcenter Articulating Aerial Device with Material Handling (AN55E-OC-US46) from Altec Industries, Inc., 33 Inverness Center Parkway, Birmingham, Alabama 35242, under New York State under New York State contract #PC68526 for the cost of \$359,199.00, including delivery.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

It was moved by Trustee Sanchez, seconded by Trustee Squeri that the following resolution be adopted:

WHEREAS, the Freeport Union Free School District, 235 North Ocean Avenue, Freeport, New York 11520, wishes to lease dark fiber from the Village of Freeport Electric Department existing fiber optic network; and

WHEREAS, under the terms of the agreement, the Village grants School District a lease of five Fiber Optic Strands of Dark (Unlit) fiber and sufficient Premises Boxes with patch panels to interconnect with School District's facilities; and

WHEREAS, the lease will run from May 1, 2022 through April 30, 2027 with a lease fee of \$2,100 per month; and

July 25, 2022

THESE ARE NOT THE OFFICIAL MINUTES OF THE BOARD OF TRUSTEES UNTIL SAME HAS BEEN APPROVED BY THE MAYOR AND THE BOARD OF TRUSTEES.

2022-12

2022-12

NOW THEREFORE BE IT RESOLVED, that upon the recommendation of the Superintendent of Electric Utilities, the Board approve and the Mayor be and is hereby authorized to enter into an agreement with Freeport Union Free School District for a lease for dark fiber running retroactively from May 1, 2022 through April 30, 2027 with a lease fee of \$2,100 per month.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	Abstain
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

It was moved by Trustee Squeri, seconded by Trustee Sanchez that the following resolution be adopted:

WHEREAS, the mission of the Freeport Exempt Fireman's Association is to provide the residents of the Incorporated Village of Freeport, as well as visitors to the Village, access and an opportunity to learn about the history of the Freeport Fire Department, by maintaining the history of the Freeport Fire Department, restoring, maintaining, and displaying "Jumbo", Freeport's oldest fire truck; and

WHEREAS, the Board of Trustees deems it beneficial to the Village of Freeport to provide such services; and

WHEREAS, the Freeport Exempt Fireman's Association requires the use of a Village tow vehicle as in past procedure to transport "Jumbo" to the following muster site for show and judging competitions:

NY State Championship Parade
Sunday, August 21, 2022
North Bellmore, New York 11710

WHEREAS, the tow vehicle will be handled by a Freeport Fire Department qualified driver as required; and

NOW THEREFORE BE IT RESOLVED, that the Board approve the use of a Village tow vehicle for the transport of "Jumbo" as listed hereinabove.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	In Favor

July 25, 2022

THESE ARE NOT THE OFFICIAL MINUTES OF THE BOARD OF TRUSTEES UNTIL SAME HAS
BEEN APPROVED BY THE MAYOR AND THE BOARD OF TRUSTEES.

2022-13

2022-13

Mayor Kennedy

In Favor

It was moved by Trustee Squeri, seconded by Trustee Sanchez that the following resolution be adopted:

WHEREAS, on February 22, 2021, the Board awarded the contract for the purchase of two 2021 Ford 15 Passenger Transit Vans to Hempstead Lincoln Mercury Motors Corp. 301 North Franklin Street, Hempstead, New York 11550 for the price of \$38,222.70 per vehicle, conditioned upon receipt of a fully executed agreement from the State of New York for grant funding in the amount of \$110,000.00; and

WHEREAS, on August 26, 2021, a New York State SAM Grant was approved in the amount of \$250,000.00, \$110,000.00 of which was earmarked for the purchase of these vans; and

WHEREAS, due to COVID and the chip shortage, the vans have not been produced, and the Department has not been able to order the vans until now; and

WHEREAS, due to the time that has passed and inability to order the vans until now, the bids were re-solicited via the New York State Department of General Services Mini-Bid #23166; and

WHEREAS, the lowest responsible bidder was Hempstead Lincoln Mercury dba Hempstead Ford, 301 No Franklin St, Hempstead, NY 11550, in the amount of \$56,584.53 per vehicle, for a total cost of \$ 113,169.06; and

WHEREAS, this purchase will be funded by the proceeds from the SAM grant in the amount of \$110,000.00 with the balance of \$3,169.06 to be charged to account A341004 540100; and

NOW THEREFORE BE IT RESOLVED, that based upon the recommendation of the Executive Director of the Fire Department, the Board of Trustees approve the purchase of 2 (two) 15 passenger Ford XLT Mid Roof vans from Hempstead Lincoln Mercury dba Hempstead Ford, 301 No Franklin St, Hempstead, NY 11550, in the amount of \$ 56,584.53 per vehicle, for a total of \$ 113,169.06; and

FUTHER BE IT RESOLVED, that the Fire Department will provide a separate memo to the Board at a later date requesting funding for the additional purchases needed to properly outfit the vans with lights, radios, and lettering.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe
Trustee Martinez
Trustee Squeri
Trustee Sanchez
Mayor Kennedy

In Favor
In Favor
In Favor
In Favor
In Favor

July 25, 2022

THESE ARE NOT THE OFFICIAL MINUTES OF THE BOARD OF TRUSTEES UNTIL SAME HAS BEEN APPROVED BY THE MAYOR AND THE BOARD OF TRUSTEES.

2022-14

2022-14

It was moved by Deputy Mayor Ellerbe, seconded by Trustee Squeri that the following resolution be adopted:

WHEREAS, on June 13, 2022, the Freeport Police Department requested authorization to advertise on June 16, 2022 for proposals for the Purchase and Installation of Security Cameras, Software and Accessories; and

WHEREAS, five (5) proposals were received for cameras; and

WHEREAS, the proposals ranged in amounts from a high of \$94,874.00 from Integrated Wireless Technologies, LLC to a low of \$47,092.59 from A+ Technology and Security Solutions Inc, however, the two lowest proposers did not meet all of the requirements of the proposal; and

WHEREAS, Intelli-Tec Security Services, 150 Eileen Way, Unit#2 Syosset, NY 11791, was the lowest responsive proposal at \$64,670.52; and

WHEREAS, the software provided by Intelli-Tec Security Services includes advanced analytics such as license plate readers (LPR); and

WHEREAS, the bulk of the purchase will be paid from a Critical Infrastructure Grant from the Federal Emergency Management Agency (FEMA) for a total of \$50,000 which will be utilized to purchase cameras and needed software; and the remainder will be paid for from a capital projects bond; and

NOW THEREFORE BE IT RESOLVED, that upon the recommendation of Freeport Chief of Police, the Board approve and the Mayor be hereby authorized to sign any paperwork necessary to award the proposal for the Purchase and Installation of Security Cameras, Software and Accessories to Intelli-Tec Security Services, 150 Eileen Way, Unit#2 Syosset, NY 11791, for an amount of \$64,670.52.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

It was moved by Trustee Squeri, seconded by Trustee Sanchez that the following resolution be adopted:

WHEREAS, the Department of Public Works is requesting authorization to advertise a Notice to Bidders for Hillside Avenue, Frederick Avenue and Lessing Place Road Improvement Project; and

WHEREAS, the work involves the reconstruction of the following roads:

July 25, 2022

THESE ARE NOT THE OFFICIAL MINUTES OF THE BOARD OF TRUSTEES UNTIL SAME HAS BEEN APPROVED BY THE MAYOR AND THE BOARD OF TRUSTEES.

2022-15

2022-15

Hillside Avenue from North Columbus Avenue to Babylon Tpke
Frederick Avenue from Jesse Street to Hillside Avenue
Lessing Place from Hillside Avenue to Seaman Avenue

WHEREAS, the estimated cost for this project is \$500,000.00; and

WHEREAS, funding for this project will be come from a bond resolution capital account H519702 523130; and

WHEREAS, the project is fully reimbursable with New York State Department of Homeland Security and Emergency Services (SAM) grant as well as with CHIPS funding; and

NOW THEREFORE BE IT RESOLVED, that upon the recommendation of the Superintendent of Public Works, the Board approve and Mayor be and hereby authorize the advertisement for a Notice to Bidders for “Hillside Avenue, Frederick Avenue and Lessing Place Road Improvement Project” in the Freeport Herald/Leader and other relevant publications on July 28, 2021 with the specifications available from August 1, 2022 through August 12, 2022 with a return date of August 16, 2022 at 11:00 AM.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

It was moved by Trustee Martinez, seconded by Trustee Squeri that the following resolution be adopted:

WHEREAS, the Board of Trustees of the Incorporated Village of Freeport, as lead agency, has determined that the proposed action described below, will not have a significant effect on the environment and neither a draft environmental impact statement nor a final environmental impact statement will be prepared; and

WHEREAS, the proposed action is a rezoning of Section 55 Block H Lot 372 from Residence AA to Industrial B, Section 55 Block 190 Lots 51-55 from Manufacturing District to Industrial B, and Section 55 Block 190 Lot 63 from Business AA to Industrial B district; and

WHEREAS, this Board determines that the proposed action is an unlisted action, as that term is defined in the New York State Environmental Quality Review Act, herein after referred to as SEQRA. After careful consideration, the Board has concluded that the proposed action will not have a significant effect on the environment for the following reasons:

1. The proposed action will not result in a substantial adverse change in the existing air quality, ground or surface water quality, traffic or noise level, will not affect

July 25, 2022

THESE ARE NOT THE OFFICIAL MINUTES OF THE BOARD OF TRUSTEES UNTIL SAME HAS BEEN APPROVED BY THE MAYOR AND THE BOARD OF TRUSTEES.

2022-16

2022-16

solid waste production, and will not affect erosion, flooding, leaching or drainage problems.

2. The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna nor interfere with the movement or any resident or migratory fish or wildlife species, nor impact on a significant habitat area, nor result in any other significant adverse effect to natural resources.
3. The proposed action will not encourage or attract a large number of people.
4. The proposed action is consistent with the community's current plans and goals for enforcement of Village laws.
5. The proposed action would not impair the character or quality of important historical, archeological, architectural or aesthetic resources of the Village.
6. The proposed action will not bring about a major change in the use of either the quantity or type of energy.
7. The proposed action will not create a hazard to human health.
8. The proposed action will not produce a substantial change in the use or intensity of land, including cultural or recreational resources, or its capacity to support existing uses.
9. The proposed action will not create a material demand for other actions that would result in any of the above consequences.
10. The proposed action will not change two or more elements in the environment, which when considered together could result in a substantial adverse impact on the environment.
11. When considered cumulatively with other actions, the proposed action will not have a significant effect on the environment or meet one of the above criteria.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Incorporated Village of Freeport, after reviewing the above criteria has determined that the proposed action is not environmentally significant.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	Recused
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

RESOLUTION OF BOARD OF TRUSTEES AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT OF SALE FOR THE PARCELS IDENTIFIED AS

July 25, 2022

THESE ARE NOT THE OFFICIAL MINUTES OF THE BOARD OF TRUSTEES UNTIL SAME HAS BEEN APPROVED BY THE MAYOR AND THE BOARD OF TRUSTEES.

2022-17

2022-17

AND BY SECTION 55, BLOCK H, LOT 372; SECTION 55, BLOCK 190, LOT 63; SECTION 55, BLOCK 190, LOTS 51-55 ALSO KNOWN AS AND BY 3, 17 -33 BUFFALO AVENUE AND 20 – 36 ALBANY AVENUE, ALSO KNOWN AS AND BY “OLD MOXEY RIGBY”, FREEPORT, NEW YORK, ALSO KNOWN AS 80-84 ALBANY AVENUE, FREEPORT, NEW YORK AND ALSO KNOWN AS CLEVELAND AVENUE FIELD TO PDC NORTHEAST LPIV, LLC

It was moved by Trustee Squeri, seconded by Trustee Martinez, that the following resolution be adopted:

WHEREAS, the Village of Freeport owns the properties known as and by Section 55, Block H, Lot 372; Section 55, Block 190, Lot 63; Section 55, Block 190, Lots 51-55, also known as and by 3, 17-33 Buffalo Avenue and 20-36 Albany Avenue, also known as and by “Old Moxey Rigby,” Freeport, New York, also known as 80-84 Albany Avenue, Freeport, New York and also known as and by Cleveland Avenue Field (hereinafter “the properties”); and,

WHEREAS, in May 2020 the Board of Trustees began the process to develop the subject parcels to provide for greater economic opportunities to the residents and businesses of the Village of Freeport; and,

WHEREAS, on June 2, 2020 the Board of Trustees consisting of Mayor Robert T. Kennedy, Deputy Mayor Ron Ellerbe, Trustee Jorge Martinez, then Trustee Carmen Pineyro and Trustee Chris Squeri unanimously voted to purchase the premise located at 80-84 Albany Avenue for the “continuing revitalization of (sic) area known as Industrial Park and the planning the redevelopment of the area;” and,

WHEREAS, from May 2020 through December 2020, the Village of Freeport engaged in negotiations with a developer to bring a last mile distribution center to the Village of Freeport and located within the area stated herein; and,

WHEREAS, the Board of Trustees was notified of the negotiations and unanimously permitted the discussions to continue; and,

WHEREAS, and pursuant to the continuing economic redevelopment of the area mention herein, on June 29, 2021, the Board of Trustees approved the purchase of 3, 17-33 Buffalo Avenue and 20-36 Albany Avenue, also known as and by the “Old Moxey Rigby,” and,

WHEREAS, negotiations continued throughout 2021 and until June 2022 with various developers; and,

WHEREAS, currently the properties are not being sufficiently being utilized for Incorporated Village of Freeport municipal purposes, thus, for Incorporated Village of Freeport purposes, surplus; and,

July 25, 2022

THESE ARE NOT THE OFFICIAL MINUTES OF THE BOARD OF TRUSTEES UNTIL SAME HAS BEEN APPROVED BY THE MAYOR AND THE BOARD OF TRUSTEES.

2022-18

2022-18

WHEREAS, the Village of Freeport received a proposal to purchase and develop the properties from PDC Northeast LPIV, LLC (the Panattoni Group); and,

WHEREAS, PDC Northeast LPIV, LLC would purchase the subject properties for \$49,000,000.00 with \$48,000,000.00 going to the Incorporated Village of Freeport and \$500,000.00 being granted to the Freeport Fire Department and \$500,000.00 being granted to the Freeport Police Department; and,

WHEREAS, PDC Northeast LPIV, LLC would develop the parcel into a last mile distribution site, corporate site or other commercial use as delineated within the contract of sale; and,

WHEREAS, the proceeds from the sale of the properties would permit the Incorporated Village of Freeport to reduce taxes, over a four year period, by 20%, and approximately 320 new jobs to the Village of Freeport, and,

WHEREAS, multiple condition precedents must be met before the properties could be transferred or otherwise developed, to wit:

1. A complete environmental study must be completed upon the properties, including a full Phase 1 and Phase 2, with remediation of any and all environmental concerns; and,
2. Approvals must be obtained from the Freeport Site Plan Review Board and Freeport Zoning Board (if applicable) including, but not limited to: site plan, parking plans and/or traffic studies, and preservation of green space; and,
3. Any and all litigations involving the properties must be cleared and resolved in a non-appealable form; and,
4. State legislation removing the parkland restriction be obtained; and,
5. A full due diligence be successfully completed; and,
6. A clear and marketable; and,
7. The properties be rezoned; and,

WHEREAS, a contract was drafted and executed on June 20, 2022, but is subject to approval by the Board of Trustees of the Incorporated Village of Freeport,

NOW THEREFORE BE IT RESOLVED, that upon the recommendation of the Village Attorney and Special Counsel Chris Browne from McLaughlin Stern, the Board makes the following findings of fact:

1. The properties are not being sufficiently utilized for Incorporated Village of Freeport municipal purposes; and,
2. The Incorporated Village of Freeport has no plans to utilize the premises for further municipal purposes and therefore is deemed surplus; and,
3. An offer of \$49,000,000.00 has been submitted by PDC Northeast LPIV, LLC. \$48,000,000.00 to the Incorporated Village of Freeport and \$500,000.00 granted to

July 25, 2022

THESE ARE NOT THE OFFICIAL MINUTES OF THE BOARD OF TRUSTEES UNTIL SAME HAS BEEN APPROVED BY THE MAYOR AND THE BOARD OF TRUSTEES.

2022-19

2022-19

- the Freeport Fire Department and \$500,000.00 granted to the Freeport Police Department; and,
4. The offer for the premises is just and fair; and,
 5. The proceeds from the sale of the property will permit a 20% tax reduction to all Village residents and business over a four (4) year period with an additional 320 jobs to Village of Freeport residents.
 6. All conditions within the Contract of Sale must be met prior to the closing upon the properties.; and,

BE IT FURTHER RESOLVED that the sale and transfer of the properties known as and by Section 55, Block H, Lot 372; Section 55, Block 190, Lot 63; Section 55, Block 190, Lots 51-55, also known as and by 3, 17-33 Buffalo Avenue and 20-36 Albany Avenue, also known as and by “Old Moxey Rigby,” Freeport, New York, also known as 80-84 Albany Avenue, Freeport, New York and also known as and by Cleveland Avenue Field shall be governed by the attached contract, which is hereby made part of this resolution; and,

BE IT FURTHER RESOLVED that the Mayor and/or his authorized representative be and is hereby authorized to sign any and all agreements, to a retroactive date of June 20, 2022, to effectuate this sale and transfer upon the terms and conditions as stated within the attached contract and stated within this resolution.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	Recused
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

Mayor Kennedy opened the meeting to questions and comments from those present. Residents voiced the following concerns:

- Cleveland Avenue
- Green Space
- Home Rule

At 8:00 P.M. the Mayor called the public hearing to order to consider the rezoning application for Section 55, Block H, Lot 372 from Residence AA District to Industrial B District; Section 55, Block 190, Lot 63 from Business AA District to Industrial B District; and Section 55, Block 190, Lots 51-55 from Manufacturing District to Industrial B District; for which a full stenographic record was taken.

Christian Browne presented exhibits A through CC, and witness exhibits DD through FF, which were marked into the record.

Motion was made by Trustee Squeri, seconded by Trustee Sanchez and carried to reopen

July 25, 2022

THESE ARE NOT THE OFFICIAL MINUTES OF THE BOARD OF TRUSTEES UNTIL SAME HAS BEEN APPROVED BY THE MAYOR AND THE BOARD OF TRUSTEES.

2022-20

2022-20

the public hearing to consider the rezoning application for Section 55, Block H, Lot 372 from Residence AA District to Industrial B District; Section 55, Block 190, Lot 63 from Business AA District to Industrial B District; and Section 55, Block 190, Lots 51-55 from Manufacturing District to Industrial B District.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	Recused
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

Motion was made by Trustee Squeri, seconded by Trustee Sanchez and carried close the hearing to further evidence and testimony.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	Recused
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

At 8:55 P.M. Howard Colton, Village Attorney requested a 20 minute recess.

At 9:21 P.M. Howard Colton returned and the meeting resumed.

It was moved by Trustee Squeri, seconded by Trustee Martinez that the following resolution be adopted:

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE
INCORPORATED VILLAGE OF FREEPORT
OVERRIDING THE DETERMINATION OF THE NASSAU
COUNTY PLANNING COMMISSION**

WHEREAS, on or about March 17, 2022, the Village referred the re-zoning application of Section 55, Block H, Lot 372, Village of Freeport, County of Nassau, State of New York from Residence AA to Industrial B, the property known as and by Section 55, Block 190, Lot 63, Village of Freeport, County of Nassau, State of New York from Business AA to Industrial B, and Section 55, Block 190, Lots 51-55 from Manufacturing District to Industrial B Village of Freeport, State of New York, to the Nassau County Planning Commission (NCPC), pursuant to New York State General Municipal Law §239-m(2); and

WHEREAS, on or about March 31, 2022 the NCPC issued a Local Determination resolution (Exhibit G) recommending “that the referring agency take action as it deems appropriate, the Commission having no modifications;” and

July 25, 2022

THESE ARE NOT THE OFFICIAL MINUTES OF THE BOARD OF TRUSTEES UNTIL SAME HAS BEEN APPROVED BY THE MAYOR AND THE BOARD OF TRUSTEES.

2022-21

2022-21

WHEREAS, on or about May 27, 2022 Martin Katz, Nassau County DPW, Division of Planning, issued a letter (Exhibit P) to Howard Colton, Village Attorney, and copied to John Gross, Esq (in response to a letter sent by John Gross, Esq.) stating that the Planning Commission issued a Local Determination, but that there was a motion made, seconded, and passed, approving the Local Determination subject to the following: “1. park alienation legislation from the State Legislature for the Village-owned park (Cleveland Ave. Fields) and 2. The dismissal of pending school district litigation between the Village of Freeport and the School District concerning the use of Cleveland Ave. Fields”; and

WHEREAS, the Board questions the validity of conditions to a Local Determination resolution not contained within that Local Determination Resolution; and

WHEREAS, notwithstanding the unusual procedure undertaken by the NCPC in notifying the Village of conditions, eight weeks after the original determination and with such conditions not contained within the resolution itself, General Municipal Law §239-m(5) allows for a vote of a majority of the Board plus one in order for the Board to act contrary to such recommendation; and

WHEREAS, the Board finds that the conditions set out on the letter dated May 27, 2022 are outside the scope of the NCPC; and

WHEREAS, this resolution is to act as the report of the reasons why this Board has acted contrary to a recommendation of the NCPC, pursuant to New York State General Municipal Law §239-m(6); and

NOW THEREFORE BE IT RESOLVED, that the Board hereby declines to accept the conditions contained in the letter from the NCPC dated May 27, 2022.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	Recused
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

It was moved by Trustee Squeri, seconded by Trustee Martinez that the following resolution be adopted:

RESOLUTION OF THE BOARD OF TRUSTEES OF THE INCORPORATED VILLAGE OF FREEPORT RE-ZONING THE PROPERTY KNOWN AS AND BY SECTION 55 BLOCK H LOT 372, VILLAGE OF FREEPORT, COUNTY OF NASSAU, STATE OF NEW YORK FROM RESIDENCE AA TO INDUSTRIAL B, AND THE PROPERTY KNOWN AS AND BY SECTION 55, BLOCK 190, LOT 63, VILLAGE OF FREEPORT, COUNTY OF NASSAU, STATE OF NEW YORK FROM BUSINESS AA TO INDUSTRIAL B, AND

July 25, 2022

2022-22

2022-22

**THE PROPERTY KNOWN AS AND BY SECTION 55
BLOCK 190 LOTS 51-55, VILLAGE OF FREEPORT,
COUNTY OF NASSAU, STATE OF NEW YORK FROM
MANUFACTURING TO INDUSTRIAL B PURSUANT TO
SECTION 210-7 OF ARTICLE I OF THE BUILDING AND
ZONING CODE OF THE VILLAGE OF FREEPORT**

WHEREAS, the Petitioner The Incorporated Village of Freeport has filed a petition with this Board seeking the re-zoning of the property known as and by Section 55, Block H, Lot 372, Village of Freeport, County of Nassau, State of New York from Residence AA to Industrial B, and the property known as and by Section 55, Block 190, Lot 63, Village of Freeport, County of Nassau, State of New York from Business AA to Industrial B, and the property known as and by Section 55, Block 190, Lots 51-55, Village of Freeport, County of Nassau, State of New York from Manufacturing to Industrial B; and

WHEREAS, upon due published notice, this Board conducted a public hearing at or about 7:15 p.m., on April 18, 2022, upon the aforementioned petition to so re-zone the subject premises duly filed by The Incorporated Village of Freeport; and

WHEREAS, upon due published notice, this Board conducted a public hearing at or about 7:15 p.m., on June 27, 2022, upon the aforementioned petition to so re-zone the subject premises duly filed by The Incorporated Village of Freeport; and

WHEREAS, upon due published notice, this Board conducted a public hearing at or about 7:15 p.m., on July 25, 2022, upon the aforementioned petition to so re-zone the subject premises duly filed by The Incorporated Village of Freeport; and

WHEREAS, the Village has consulted with Wade Beltramo, General Counsel to the New York Conference of Mayors, and Special Counsel to the Village of Freeport A. Thomas Levin, of Meyer Suozzi English and Klein, regarding the requirements of New York State's Open Meetings Law; and

WHEREAS, exhibits were submitted into evidence by Village Attorney Howard Colton and Special Counsel to the Petitioner Christian Browne presented evidence and testimony to the Board of Trustees; and,

WHEREAS, the Board of Trustees found that the act of rezoning is part and parcel of comprehensive land use planning and would have no impact upon the environment; and,

WHEREAS, the Nassau County Planning Commission issued a local determination resolution recommending no modifications on March 31, 2022, and on May 27, 2022 sent a letter to the Village Attorney stating that the local determination was subject to "1. park alienation legislation from the State Legislature for the Village-owned park (Cleveland Ave. Fields) and 2. The dismissal of pending school district litigation between the Village of Freeport and the School District concerning the use of Cleveland Ave. Fields"; and,

THESE ARE NOT THE OFFICIAL MINUTES OF THE BOARD OF TRUSTEES UNTIL SAME HAS BEEN APPROVED BY THE MAYOR AND THE BOARD OF TRUSTEES.

2022-23

2022-23

WHEREAS, on July 25, 2022, the Board of Trustees voted by a 4-0 vote with one (1) abstention) to decline to accept these conditions as recommended by the Nassau County Planning Commission; and

WHEREAS, the Planning Board of the Incorporated Village of Freeport reviewed the Petition and found that the requested rezoning would fit the general characteristics of the surrounding area and that it recommended the change of zones and that the Petition be granted;

WHEREAS, Any change in zone will not affect the current use upon the property, and would be grandfathered under law, and educational uses are permitted in all Zoning districts under New York State Law;

NOW THEREFORE BE IT RESOLVED THAT, upon the petition of The Incorporated Village of Freeport duly filed in the office of the Clerk of the Incorporated Village of Freeport, the Office of the Nassau County Planning Commission, and the Planning Board of the Village of Freeport, and the exhibits submitted into evidence during the course of the hearings on April 18, 2022, June 27, 2022, and July 25, 2022 by Village Attorney Howard Colton, and by Christian Browne, Special Counsel to Petitioner The Incorporated Village of Freeport,

This Board makes the following findings of fact concerning the aforementioned petition, to re-zone the premises known as and by Section 55, Block H, Lot 372, Village of Freeport, County of Nassau, State of New York from Residence AA to Industrial B, and the property known as and by Section 55, Block 190, Lot 63, Village of Freeport, County of Nassau, State of New York from Business AA to Industrial B, and the property known as and by Section 55, Block 190, Lots 51-55, Village of Freeport, County of Nassau, State of New York from Manufacturing to Industrial B:

Regarding the April 18, 2022 Public Hearing:

1. The Village Clerk duly caused to be published a Notice of Public Hearing relative to the subject petition in the Freeport Long Island Herald on March 17, 2022, pursuant to and in accordance with applicable provisions of the Village Law for the State of New York.
2. The Village Clerk duly posted a Notice of Public Hearing for this hearing at the following locations on March 18, 2022 pursuant to applicable provisions of the Village Law for the State of New York:
 - a. Municipal Hall - 46 North Ocean Avenue, Freeport
 - b. Freeport Memorial Library - 144 West Merrick Road, Freeport
 - c. Freeport Fire Department Hose #1 - 30 Southside Avenue, Freeport
 - d. Freeport Fire Department Hose #2 - 15 Broadway, Freeport
 - e. Freeport Fire Department Hose #3 - 365 S. Bayview Avenue, Freeport
 - f. Freeport Recreation Center

Regarding the June 27, 2022 Public Hearing:

July 25, 2022

THESE ARE NOT THE OFFICIAL MINUTES OF THE BOARD OF TRUSTEES UNTIL SAME HAS BEEN APPROVED BY THE MAYOR AND THE BOARD OF TRUSTEES.

2022-24

2022-24

3. The Village Clerk duly caused to be published a Notice of Public Hearing relative to the subject petition in the Freeport Long Island Herald on June 23, 2022, pursuant to and in accordance with applicable provisions of the Village Law for the State of New York.

4. The Village Clerk duly posted a Notice of Public Hearing for this hearing at the following locations on June 20, 2022 pursuant to applicable provisions of the Village Law for the State of New York:

- a. Municipal Hall - 46 North Ocean Avenue, Freeport
- b. Freeport Memorial Library - 144 West Merrick Road, Freeport
- c. Freeport Fire Department Hose #1 - 30 Southside Avenue, Freeport
Freeport Fire Department Hose #2 - 15 Broadway, Freeport
- d. Freeport Fire Department Hose #3 - 365 S. Bayview Avenue, Freeport
- e. Freeport Recreation Center

Regarding the July 25, 2022 Public Hearing:

5. The Village Clerk duly caused to be published a Notice of Public Hearing relative to the subject petition in the Freeport Long Island Herald on July 7, 2022, pursuant to and in accordance with applicable provisions of the Village Law for the State of New York, including Village Law §7-706(1).

6. The Village Clerk duly posted a Notice of Public Hearing for this hearing at the following locations on July 8, 2022 pursuant to applicable provisions of the Village Law for the State of New York:

- a. Municipal Hall - 46 North Ocean Avenue, Freeport
- b. Freeport Memorial Library - 144 West Merrick Road, Freeport
- c. Freeport Fire Department Hose #1 - 30 Southside Avenue, Freeport
- d. Freeport Fire Department Hose #2 - 15 Broadway, Freeport
- e. Freeport Fire Department Hose #3 - 365 S. Bayview Avenue, Freeport
- f. Freeport Recreation Center

7. On July 15, 2022, the Village posted the Notice of Public Hearing for the July 25, 2022 Public Hearing, the transcript from the April 18, 2022 Public Hearing, Exhibits A-K, L-S, and T-V on the Village website www.freeportny.gov.

8. On July 18, 2022, the Village posted the transcript from the June 27, 2022 Public Hearing on the Village website www.freeportny.gov.

9. On July 20, 2022, the Village posted Proposed Exhibits W-BB the Village website www.freeportny.gov.

10. Pursuant to and in accordance with New York State Village Law §7-706(2) written notice of the proposed re-zoning of the property was sent to the following entities located within 500 feet of the subject property on July 5, 2022:

July 25, 2022

THESE ARE NOT THE OFFICIAL MINUTES OF THE BOARD OF TRUSTEES UNTIL SAME HAS BEEN APPROVED BY THE MAYOR AND THE BOARD OF TRUSTEES.

2022-25

2022-25

- a. The Town Clerk of the Town of Hempstead
 - b. The State of New York Department of Transportation
 - c. The County Clerk of the County of Nassau
 - d. New York State Parks, Recreation and Historic Preservation Department
 - e. The Freeport Housing Authority
 - f. All other owners of property located within 500 feet of the subject property as per GIS
11. The Village also sent written notice of the proposed re-zoning of the property to:
 - a. John Gross, Esq. of Ingerman Smith LLP, the attorney for the Freeport Union Free School District;
 - b. Dr. Kishore Kuncham, Superintendent of the Freeport Union Free School District.
12. Pursuant to and in accordance with the provisions of Article 8 of the Environmental Conservation Law for the State of New York, 6 NYCRR, Part 617-7 et. seq., this Board did on April 18, 2022, duly adopt a resolution for State Environmental Quality Review Act purposes rendering a negative declaration for the requested change of zones and designating this request as an unlisted action; and,
13. Pursuant to and in accordance with the provisions of Article 8 of the Environmental Conservation Law for the State of New York, 6 NYCRR, Part 617-7 et. seq., this Board did on June 27, 2022, duly adopt an amended resolution for State Environmental Quality Review Act purposes rendering a negative declaration for the requested change of zones and designating this request as an unlisted action; and,
14. Pursuant to the provisions of §239 of the General Municipal Law for the State of New York, the Village Clerk did duly notify the Nassau County Planning Commission of the subject re-zoning petition and, upon said notice, the Nassau County Planning Commission did approve and send the application back to the Village for local determination with no modifications by resolution dated March 31, 2022; and,
15. Martin Katz, Nassau County DPW, Division of Planning, did on May 27, 2022, eight weeks after issuing the Local Determination, send a letter on behalf of the Nassau County Planning Commission setting conditions for said Local Determination, specifically, obtaining alienation legislation from New York State and settling outstanding litigation with the Freeport School District, however, those conditions are not listed in the Local Determination Resolution, a practice the Village has never seen before.
16. Due to the unusual nature, timing, and circumstances of this communication sent by Martin Katz on behalf of the Nassau County Planning Commission, the Village Attorney has referred this letter to the Nassau County Attorney for review and investigation.
17. On July 25, 2022 the Board of Trustees by a 4-0 vote with one (1) abstention did vote to override said recommendations of the Nassau County Planning Commission; and
18. Pursuant to §7-725-a of the Village Law for the State of New York, the Planning Board for the Incorporated Village of Freeport did review the instant petition to re-zone the subject

July 25, 2022

THESE ARE NOT THE OFFICIAL MINUTES OF THE BOARD OF TRUSTEES UNTIL SAME HAS BEEN APPROVED BY THE MAYOR AND THE BOARD OF TRUSTEES.

2022-26

2022-26

property and did, by resolution, send this matter back to the Village Board for its review and determination without modifications and/or amendments; and,

19. The subject parcels are a mixture of zoning districts to wit, Section 55 Block H, Lot 372 is currently Residence AA, Section 55 Block 190, Lot 63 is currently Business AA, and Section 55 Block 190, Lots 51-55 is currently Manufacturing, and said application of the Petitioner would unify the zoning within the area and provide clarification to the Zoning Map of the Incorporated Village of Freeport; and re-zone said parcels as an Industrial B zone; and,

20. The Record establishes, and this Board takes notice, that the surrounding neighborhood is a mixed use consisting of Industrial and Business Districts, more specifically occupied by:

- a. Sunrise Highway, a major thoroughfare, to the north;
- b. A vacant parcel of land owned by the Village of Freeport and used in part by the New York State Department of Transportation for the storage of heavy vehicles;
- c. A Mitsubishi car dealership to the northwest;
- d. A beauty supply center to the northwest;
- e. A Gas station and car wash to the northwest;
- f. Other large fabrication factories to the northwest;
- g. A commercial shopping center, including large businesses such as Target, Bob's Discount Furniture, and Marshalls to the west;
- h. A car repair shop to the west;
- i. Multiple auto body facilities to the west on Merrick Road;
- j. A Home Depot and Staples to the west;
- k. A 100-unit apartment building to the west;
- l. A stone and masonry business and storage yard to the southwest
- m. A scrap metal recycling business to the southwest;
- n. A mattress shop to the southwest;
- o. A 7-Eleven convenience store to the south;
- p. A BJ's Warehouse store and gas station to the south;
- q. An industrial park to the south;
- r. Village of Freeport Department of Public Works facility to the south;
- s. A bus depot and storage yard for Logan Bus Company to the south;
- t. A fabrication warehouse to the immediate southeast;
- u. Tire shops to the southeast;
- v. A BMW service center to the east;
- w. Automobile storage to the east;
- x. A gas station to the east; and
- y. Meadowbrook Parkway to the east.

21. The Board further takes notice that a change from the currently zoning classifications will unify the districts under an Industrial B Zoning District which is in conformity with the surrounding neighborhood and the said zoning classifications noted herein.

22. The Board takes further notice that the Nassau County Planning Commission issued a Local Determination with no modifications resolution and that the Board overruled additional

July 25, 2022

THESE ARE NOT THE OFFICIAL MINUTES OF THE BOARD OF TRUSTEES UNTIL SAME HAS BEEN APPROVED BY THE MAYOR AND THE BOARD OF TRUSTEES.

2022-27

2022-27

conditions conveyed by a letter by the Nassau County Planning Commission and the Planning Board of the Village of Freeport has approved this application and recommended that the Petitioner, the Incorporated Village of Freeport, be and is hereby authorized to re-zone the various properties.

23. The Board takes further notice that any change in zone will not affect the current use upon the property, and would be grandfathered under law, and educational uses are permitted in all Zoning districts under New York State Law.

BE IT FURTHER RESOLVED that, based on the foregoing findings of fact, the abovementioned properties be and are hereby re-zoned as follows:

- a. Section 55 Block H Lot 372, Village of Freeport, County of Nassau, State of New York from Residence AA to Industrial B; and,
- b. Section 55 Block 190 Lot 63, from Business AA to Industrial B; and,
- c. Section 55 Block 190 Lots 51-55 from Manufacturing to Industrial B.

BE IT FURTHER RESOLVED THAT the zoning map for the Incorporated Village of Freeport be amended to reflect the re-zoning of the subject premises.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	Recused
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

It was moved by Trustee Martinez, seconded by Trustee Squeri, and unanimously carried that the meeting be closed.

The Clerk polled the Board as follows:

Deputy Mayor Ellerbe	In Favor
Trustee Martinez	In Favor
Trustee Squeri	In Favor
Trustee Sanchez	In Favor
Mayor Kennedy	In Favor

The meeting was closed at 9:43 P.M.

Pamela Walsh Boening
Village Clerk

July 25, 2022